

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

ARNUFLO ANDRES LOPEZ,	§
	§
Plaintiff,	§
	§
v.	§ CIVIL ACTION NO. G-06-371
	§
UNKNOWN GALVESTON POLICE	§
OFFICER #1, A/K/A "OFFICER POPE,"	§
INDIVIDUALLY AND AS A POLICE	§
OFFICER WITH THE GALVESTON	§
POLICE DEPARTMENT, et al.,	§
	§
Defendants.	§
	§

**ORDER EXTENDING DEADLINE FOR PLAINTIFF TO RESPOND TO DEFENDANT
CITY OF GALVESTON'S MOTION TO DISMISS**

This Section 1983 suit arises out of alleged constitutional violations sustained by Plaintiff Arnulfo Andres Lopez ("Plaintiff") at the hands of officers of the Galveston Police Department. On June 20, 2006, Defendant City of Galveston ("the City") filed its Motion to Dismiss for want of timely filing and want of timely service of process. Plaintiff's Response to that Motion was due on July 10, 2006. On that date, instead of responding, Plaintiff's Counsel filed a Motion for Leave to Withdraw and a Motion to Abate. On July 13, 2006, this Court granted Counsel's Motion to Leave to Withdraw, but denied the Motion to Abate, and Plaintiff's Rule 16 Conference remains set for September 6, 2006. Plaintiff has been given until August 31, 2006, to find new counsel. At this time, Plaintiff has still not responded to the City's Motion to Dismiss.

Although the basis for the City's Motion to Dismiss appears to be jurisdictional, in light of the recent change in Counsel and in fairness to Plaintiff, the Court feels that it must give Plaintiff

additional time to respond to the City's Motion. Therefore, Plaintiff is hereby **ORDERED** to respond to the City's Motion by September 21, 2006, fifteen days from the date of the Rule 16 Conference. At that time, the Court will consider the City's Motion on the merits.

IT IS SO ORDERED.

DONE this 17th day of July, 2006, at Galveston, Texas.



Samuel B. Kent
United States District Judge